



AGENDA

NORTH MIAMI CITY COUNCIL

REGULAR MEETING

TUESDAY, FEBRUARY 26, 2013
7:00 P.M.

* * * *

TAB N

- DISCUSSION REGARDING HAITI CUP 2013 SOCCER TOURNAMENTS
AT NORTH MIAMI'S ATHLETIC STADIUM
Sponsored by: Councilman Michael R. Blynn



**URGENT! FOLLOW UP MEMORANDUM REGARDING CANCELLING THE PERMIT NUMBERS
#2462 & 2463 APPROVALS TO KYAFA SPORTS & ENTERTAINMENT, AN INACTIVE
CORPORATION FROM 2010, APPROVED & ISSUED IN ERROR BY CITY STAFF
ON JANUARY 30, 2013**

Date: February 21, 2013
To: City Manager
City Attorney
Parks Director

Via E-Mail: sjohnson@northmiamifl.gov, mpinera@northmiamifl.gov, rmonestime@northmiamifl.gov,
jgeimer@northmiamifl.gov

I am in receipt of the above-referenced Permit Nos. 2462 & 2463 for the stadium and the showmobile respectively issued on January 30, 2013 by the City of North Miami staff. I am greatly troubled by the fact that not only is the corporation a for profit, but it is not in good standing with the State of Florida, and I further note that Patrick Fabre is neither the agent, nor a director. The corporate records, including the Articles of Incorporation filed in 2009 for this inactive for profit corporation show a Mitsuka Pigniat-Fabre, not Patrick Fabre, who is on other corporate records of other inactive corporations.

The fact that this corporation was a for-profit and is not recognized by the State of Florida violates two of our policies for the waivers, contributions and donations by the City. Further, the agent contracting appears nowhere as an agent, officer or director of the corporation, and has no authority to contract on behalf of this entity. It is my opinion unless a valid, lawful, not for profit entity applies for approval on an emergency basis to take over the event and properly come to Staff and Council for approval at the next Council meeting, the City has no other choice, but to cancel the event, or postpone it for a later date with a different applicant, who is in good standing with the State and is a non-profit. The Permits should be immediately cancelled.

Mr. Fabre have done a disservice to the City, and to its residents that look forward to the event, not only to the residents at Biscayne Landings, whose quiet enjoyment of the premises would have been impaired for 11 consecutive Sundays, at the last. This alleged organizer has no standing to insist upon any hours, let alone those that will interfere with the residents at Biscayne Landings. Any verbal or written agreement with an inactive organization not in good standing with the State of Florida, by someone whose name does not appear in the articles of incorporation or as an agent, is not a valid contract, and the Permits should be withdrawn and the Contract cancelled. One way or the other, I am requesting that this item be placed on the agenda for the next City Council meeting.

Office of the Mayor and Council

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With all due respect, the staff approving and issuing the permits should check the status before issuing the permits to this organization, who exists without being in good standing in the State, and lacks legal status, in my opinion to contract with the State.

There is also the serious issue of liability and the legal responsibility for any injuries to anyone or to any property, including a disturbance of the quiet enjoyment of the residents at Biscayne Landings which would almost certainly fall to the City, not this entity, which undoubtedly is uninsured or underinsured for this event. If this moves forward with this entity not recognized by the State. I have attached the records regarding the organization's lack of standing with the State to confirm and the Articles of Incorporation to document what I have stated here. I also included other inactive corporations with Patrick Fabre as an agent or director, but that is inapplicable, and those corporations have been inactive for many years before this applicant.

I am attempting to give staff every opportunity to cancel the permits prior to the next City Council meeting, to give the maximum time for a substitute lawful not for profit sponsor to come forward, and if not, to cancel the event.

Regardless, I am again insisting that this item be on the agenda on the next City Council Meeting, either for consideration of a new, qualified applicant, with very limited hours and fewer dates, or to announce the cancellation of the event. This not recognized agent for an inactive corporation is in no position to insist upon times or dates. I also note that there are 15 dates for the stadium, not 11, and 11 only for the showmobile. Furthermore, this tournament was not properly represented to Council, to my understanding and recollection, and the times and dates were greatly expanded beyond what was represented when the majority of the Council chose to approve it, with Scott Galvin and I registering the negative votes, believing, as is the case, that this applicant did not meet the qualifications for waivers and City contributions of any kind.


Councilmember Michael R. Blynn

Enc: Corporate records attached

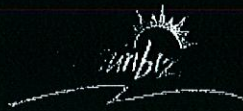
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Detail by Entity Name

Florida Profit Corporation

KYAFA SPORTS & ENTERTAINMENT, INC.

Filing Information

Document Number P09000003944
FEI/EIN Number NONE
Date Filed 01/13/2009
State FL
Status INACTIVE
Effective Date 01/09/2009
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/24/2010
Event Effective Date NONE

Principal Address

180 NE 156 STREET
MIAMI FL 33162

Mailing Address

180 NE 156 STREET
MIAMI FL 33162

Registered Agent Name & Address

PIGNIAT-FABRE, MITSUKA
180 NE 156 STREET
MIAMI FL 33162 US

Officer/Director Detail

Name & Address

Title P

PIGNIAT-FABRE, MITSUKA
180 NE 156 STREET
MIAMI FL 33162

Annual Reports

No Annual Reports Filed

Document Images

[01/13/2009 -- Domestic Profit](#) [View Image in PDF format](#)**Note:** This is not official record. See documents if question or conflict.

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**Electronic Articles of Incorporation
For**

P09000003944
FILED
January 13, 2009
Sec. Of State
jshivers

KYAFA SPORTS & ENTERTAINMENT, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

KYAFA SPORTS & ENTERTAINMENT, INC.

Article II

The principal place of business address:

180 NE 156 STREET
MIAMI, FL. 33162

The mailing address of the corporation is:

180 NE 156 STREET
MIAMI, FL. 33162

Article III

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The number of shares the corporation is authorized to issue is:

100

Article V

The name and Florida street address of the registered agent is:

MITSUKA PIGNIAT-FABRE
180 NE 156 STREET
MIAMI, FL. 33162

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: MISTUKA PIGNIAT-FABRE

Article VI

The name and address of the incorporator is:

MITSUKA PIGNIAT-FABRE
180 NE 156 STREET

MIAMI, FL 33162

Incorporator Signature: MITSUKA PIGNIAT-FABRE

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P
MITSUKA PIGNIAT-FABRE
180 NE 156 STREET
MIAMI, FL. 33162

Article VIII

The effective date for this corporation shall be:

01/09/2009

P09000003944
FILED
January 13, 2009
Sec. Of State
jshivers

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Florida Profit Corporation

KYAFA SOCCER, INC.

Filing Information

Document Number	P05000041937
FEI/EIN Number	NONE
Date Filed	03/18/2005
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/15/2006
Event Effective Date	NONE

Principal Address

855 NE 125 STREET
MIAMI FL 33161

Mailing Address

855 NE 125 STREET
MIAMI FL 33161

Registered Agent Name & Address

FABRE, PATRICK
855 NE 125 ST
MIAMI FL 33161 US

Officer/Director Detail

Name & Address

Title P
FABRE, PATRICK
855 NE 125 ST
MIAMI FL 33161

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No Annual Reports Filed

Document Images

03/18/2005 -- Domestic Profit [View Image in PDF format](#)

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Detail by Entity Name

Florida Limited Liability Company

KYAFA ENTERTAINMENT, LLC.

Filing Information

Document Number L06000016462
FEI/EIN Number NONE
Date Filed 02/15/2006
State FL
Status INACTIVE
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/14/2007
Event Effective Date NONE

Principal Address

180 NE 156 ST
MIAMI, FL 33162

Mailing Address

180 NE 156 ST
MIAMI, FL 33162

Registered Agent Name & Address

FABRE, PATRICK
180 NE 156 ST
MIAMI FL 33162 US

Manager/Member Detail

Name & Address

Title MGR

FABRE, PATRICK
180 NE 156 ST
MIAMI FL 33162

Title MGR

GUIXENS, JUAN JR
180 NE 156 ST
MIAMI FL 33162

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